

Appendix A: Chart Summarizing Certain Labcorp Arguments Regarding Breach of Confidence (Count III)

Labcorp's Memorandum of Law in support of its Motion to Dismiss fully sets forth Labcorp's arguments for dismissal of Plaintiffs' breach of confidence claim. For the court's convenience, the chart below organizes those arguments and relevant citations. Plaintiffs' claim also fails for additional reasons not captured below.

State	No Breach of Confidence Cause of Action	Only Recognizes Breach of Confidence in Trade Secret Matters	Breach of Confidence or Confidentiality Requires An Affirmative Act
Arkansas <u>Plaintiff:</u> Palmer	Labcorp is not aware of an Arkansas case recognizing an independent cause of action for breach of confidence.	N/A	N/A
California <u>Plaintiffs:</u> Lassiter Nazemnikov	N/A	N/A	Yes. <i>In re Ambry Genetics Data Breach Litig.</i> , 2021 WL 4891610, at *8 (C.D. Cal. Oct. 18, 2021)
Florida <u>Plaintiffs:</u> Buhr Laufenberg	N/A	N/A	Yes. <i>Desue v. 20/20 Eye Care Network, Inc.</i> , 2022 WL 796367, at *9 (S.D. Fla. Mar. 15, 2022).
Georgia <u>Plaintiffs:</u> Haley Nelson-Carter Scott	N/A	N/A	Yes. <i>Purvis v. Aveanna Healthcare, LLC</i> , 2021 WL 5230753, at *12 (N.D. Ga. Sept. 27, 2021).

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Kansas <u>Plaintiff:</u> Finch	N/A	Yes. <i>Lockridge v. Tweco Prod., Inc.</i> , 209 Kan. 389, 396, 497 P.2d 131, 136 (1972).	N/A
Kentucky <u>Plaintiff:</u> Rothwell	Labcorp is not aware of a Kentucky case recognizing an independent cause of action for breach of confidence.	N/A	N/A
Maryland <u>Plaintiffs:</u> Kaplan	Yes. <i>Ross v. Cecil Cnty. Dep't of Soc. Srvs.</i> , 878 F. Supp. 2d 606, 622 (D. Md. 2012)	N/A	N/A
Massachusetts <u>Plaintiff:</u> Shulman	N/A	N/A	Yes. <i>Willitts v. Engie N. Am. Inc.</i> , 2021 WL 2322833, at *4 (D. Mass. Jun. 7, 2021)
Mississippi <u>Plaintiffs:</u> Spencer Thomas	N/A	N/A	Yes. <i>Riley v. F.A. Richard & Assocs., Inc.</i> , 16 So. 3d 708, 720 (Miss. Ct. App. 2009).
New Jersey <u>Plaintiff:</u> Lebon	N/A	N/A	Yes. <i>Vorbees v. Tolia</i> , 2020 WL 1272193, at *10 (D.N.J. Mar. 17, 2020), <i>appeal dismissed sub nom.</i> , 2020 WL 5901556 (3d Cir. July 23, 2020).

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New York <u>Plaintiffs:</u> Gadero Wallach	N/A	N/A	Yes. <i>Chanko v. Am. Broad. Companies Inc.</i> , 27 N.Y.3d 46, 53, 49 N.E.3d 1171, 1176 (2016).
North Carolina <u>Plaintiffs:</u> Vasquez Wrenn	Yes. <i>Larowe v. Bank of the Carolinas</i> , 2011 WL 3793411, at *16 (M.D.N.C. Aug. 25, 2011)	N/A	N/A
Ohio <u>Plaintiffs:</u> Harris Thrower	N/A	N/A	Yes. <i>Foster v. Health Recovery Servs., Inc.</i> , 493 F. Supp. 3d 622, 636 (S.D. Ohio 2020)
Pennsylvania <u>Plaintiff:</u> Judelsohn	N/A	N/A	Yes. <i>Wildman v. Homa</i> , 32 Pa. D. & C.4th 468, 476 (Com. Pl. 1996), <i>aff'd</i> , 698 A.2d 679 (Pa. Super. Ct. 1997).
Texas <u>Plaintiff:</u> Cuvillier	N/A	Yes. <i>Kinnear-Weed Corp. v. Humble Oil & Ref. Co.</i> , 150 F. Supp. 143, 159 (E.D. Tex. 1956), <i>aff'd</i> , 259 F.2d 398 (5th Cir. 1958), <i>supplemented</i> , 296 F.2d 215 (5th Cir. 1961)	N/A
Wisconsin <u>Plaintiff:</u> Allende	N/A	N/A	Yes. <i>Smith v. Dep't of Corr. of State of WI</i> , 2005 WL 2449841, at *25 (E.D. Wis. Sept. 30, 2005)